

Charter for the Marine Transportation System National Advisory Council

1. Committee's Official Designation. The Committee shall be known as the Marine Transportation System National Advisory Council (MTSNAC, or the Council).

2. Authority.

a. The Council is constituted pursuant to the Energy Independence and Security Act of 2007, Pub. L. No. 110-140, § 1121 (codified at 46 U.S.C. § 55603), and in accordance with the Federal Advisory Committee Act, as amended, 5 U.S.C., App. 2.

b. The U.S. Secretary of Transportation delegated to the Maritime Administrator authority under title XI, subtitle C of Pub. L. No. 110-140 on August 26, 2008 (73 FR 59538).

3. Objectives and Scope of Activities. The Council is an advisory group, and will not develop regulations, formulate policy, create incentives, or determine Federal budget priorities. The Council will respond to requests from the Maritime Administrator to provide advice and make recommendations on the following matters:

a. Impediments to the effective use and expansion of America's Marine Highways as directed in Section 55603 of the Energy Independence and Security Act of 2007, and methods to expand the use of the marine transportation system for freight and passengers;

b. Waterways and ports, and their intermodal road, rail, and marine-highway connections and actions required to meet current and future national transportation system integration needs;

c. Strategy, policy, and goals to ensure an environmentally responsible and safe system that improves the global competitiveness and national security of the United States.

d. Guidelines for the development of a national freight policy from a marine transportation perspective; and

e. Such other matters, related to those above, that the Maritime Administrator may charge the Council with addressing.

4. Description of Duties.

a. The Council will:

- i. Gather information as necessary to discuss issues presented by the Maritime Administrator;
- ii. Submit reports, periodically or as requested, to the Maritime Administrator on significant issues facing the Marine Transportation System; and
- iii. Provide written advice to the Maritime Administrator. Objecting positions will be identified in these reports.

b. For the purpose of carrying out its duties, the Council may hold meetings, including inviting subject matter experts to comment and participate in meetings, as the Council may deem advisable.

5. Agency or Official to Whom the Committee Reports. The Council reports to the Maritime Administrator.

6. Support. As the sponsor, the Maritime Administrator will provide staff, secretarial, and other support services to the Council.

7. Estimated Annual Operating Costs and Staff Years. Annual administrative operating costs are estimated at \$150,000, plus the equivalent of one Federal worker-year.

8. Designated Federal Officer. The Designated Federal Officer (DFO) will be a full-time, salaried employee of the Maritime Administration, who will furnish support services to the Council, including:

- a. Provide specific requests for recommendations, advice, or analysis concerning Marine Transportation System-related issues;
- b. Prepare recommendations and resolutions, which reflect the determination of the Council on substantive issues as required;
- c. Assist in developing plans for the activities of the Council and its subcommittees, including the preparation and approval of meeting agendas;
- d. Notify members of Council meetings and agenda items;
- e. Serve as liaison between the Council and other relevant departmental offices and Federal entities;
- f. Maintain records of Council activities and disseminating information in accordance with applicable statutes, resolutions, and instructions;
- g. Attend all Council and subcommittee meetings and ensure compliance with FACA;
- h. Approve or call all of the Council's and subcommittees' meetings;

- i. Adjourn any meeting when the DFO determines adjournment to be in the public interest; and
- j. Chair meetings when directed to do so by the Maritime Administrator.

9. Estimated Number and Frequency of Meetings.

- a. Meetings of the Council are held approximately twice each fiscal year. They can be conducted via teleconference, with adequate public access, if necessary.
- b. Except as provided in this charter, each meeting shall be open to the public. Meetings may be held by teleconference. Timely notice of each meeting shall be published in the *Federal Register*, and the Chair may prescribe other types of public notice as well. Interested persons shall be permitted to attend, appear before, or file statements with the Council, subject to procedures established by the Maritime Administrator, in consultation with the DFO.
- c. When meetings have been determined by the Secretary to be concerned with matters listed in 5 U.S.C. § 552(b), meetings are not required to be open, and interested parties shall not be permitted to attend or appear. Any such determination shall be in writing and shall contain the reasons therefore. If such a determination is made, the Council shall publish a summary of its activities and such related matters as would be informative to the public consistent with policy of 5 U.S.C. § 552(b).

10. Duration. Pursuant to 46 U.S.C. § 55603, MTSNAC is a continuing committee, subject to renewal every 2 years.

11. Termination. This charter shall terminate 2 years after its effective date unless renewed in accordance with FACA and other applicable requirements.

12. Membership and Designation.

- a. The Council will have 29 members, 3 of whom shall serve on an Executive Committee. The members will serve as Special Government Employees or Representative members as determined by the Secretary. The members shall reflect a cross section of maritime industries and port and water stakeholders from the private sector, in addition to academics, labor, and Federal (including the U.S. Environmental Protection Agency), State, and local public entities.
- b. Council members will serve 2-year terms, with no more than two consecutive term re-appointments, and approximately one-third of members' terms of office shall expire every 2 years. Initial terms may be staggered by the Secretary to establish continuity among the membership in subsequent years. Members may continue to serve until they are replaced.

c. While engaged in the work of the Council, all members may be allowed reasonable travel, subsistence, and other necessary expenses, including per diem in lieu of subsistence, in accordance with the rates and rules set under the Federal Travel Regulations.

d. In the event of a mid-term vacancy on the Council, a replacement member may be appointed by the Secretary. A member appointed to fill an unexpired term shall serve the remainder of that term except in the case of a late-term vacancy, in which case the Secretary may appoint a replacement member to fill the unexpired term and one full term after the current term expires.

13. Subcommittees. The Maritime Administrator has the authority to create subcommittees. Subcommittees must report back to the Council and may not provide advice or work products directly to the Maritime Administrator or any Federal employee. All reports of the subcommittees shall be submitted to the Chair of the Council. The Maritime Administration has identified the following subcommittees that the Council will have at a minimum:

- a. Marine Highways;
- b. Education and workforce;
- c. Ports;
- d. Vessels and operations; and
- e. System Performance Measures

14. Recordkeeping. The records of the Council, formally and informally established subcommittees, or other subgroups of the Council, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. 552, the Council's documents shall be available for public inspection and copying at a single location in the offices of the Council sponsor until the Council ceases to exist.

15. Filing Date. The filing date of this renewed charter is May 18, 2012. If not renewed, this charter will expire on May 18, 2014.